

1-1 By: Kolkhorst, Perry S.B. No. 476  
 1-2 (In the Senate - Filed February 6, 2015; February 10, 2015,  
 1-3 read first time and referred to Committee on State Affairs;  
 1-4 April 14, 2015, reported favorably by the following vote: Yeas 7,  
 1-5 Nays 2; April 14, 2015, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9		X		
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16		X		

1-17 A BILL TO BE ENTITLED  
 1-18 AN ACT

1-19 relating to the duties of certain law enforcement officials under  
 1-20 procedures regulating the making or transfer of firearms.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Chapter 411, Government Code, is amended by  
 1-23 adding Subchapter H-1 to read as follows:

1-24 SUBCHAPTER H-1. CERTIFICATION TO MAKE OR TRANSFER FIREARM

1-25 Sec. 411.221. DEFINITIONS. In this section:

1-26 (1) "Certification" means the process by which a chief  
 1-27 law enforcement officer provides the certificate required by 27  
 1-28 C.F.R. Section 479.63 or 479.85 for the approval of an application  
 1-29 to make or transfer a firearm.

1-30 (2) "Chief law enforcement officer" means any law  
 1-31 enforcement official the Bureau of Alcohol, Tobacco, Firearms and  
 1-32 Explosives, or any of its successor agencies, identifies by  
 1-33 regulation or otherwise as eligible to provide a required  
 1-34 certification for the making or transfer of a firearm.

1-35 (3) "Firearm" has the meaning assigned by 26 U.S.C.  
 1-36 Section 5845(a).

1-37 Sec. 411.222. CERTIFICATION. (a) A chief law enforcement  
 1-38 officer shall provide certification not later than the 15th day  
 1-39 after the date of receipt of a request for certification unless the  
 1-40 chief law enforcement officer is unable to state on the certificate  
 1-41 that:

1-42 (1) the identification requirements of 27 C.F.R.  
 1-43 Section 479.63 or 479.85, as appropriate, are satisfied; or

1-44 (2) the officer has no information that:

1-45 (A) possession of a firearm by the maker or  
 1-46 transferee would violate state or local law; or

1-47 (B) the maker or transferee would use the firearm  
 1-48 for other than a lawful purpose.

1-49 (b) If the chief law enforcement officer is unable to  
 1-50 provide certification under Subsection (a), the chief law  
 1-51 enforcement officer shall provide the person who requested the  
 1-52 certification with a written notification of the denial, including  
 1-53 the reason for the denial under 27 C.F.R. Section 479.63 or 479.85.

1-54 Sec. 411.223. APPEAL FROM DENIAL. (a) If a chief law  
 1-55 enforcement officer denies a request for certification, the person  
 1-56 who requested the certification may appeal the chief law  
 1-57 enforcement officer's decision to the district court of the county  
 1-58 in which the person resides.

1-59 (b) The review of the chief law enforcement officer's  
 1-60 decision to deny the certification shall be by trial de novo.

1-61 (c) If the court finds that no substantial evidence supports

2-1 the chief law enforcement officer's determination that the chief  
2-2 law enforcement officer cannot legally make the certification, the  
2-3 court shall:

2-4 (1) order the chief law enforcement officer to issue  
2-5 the certification; and

2-6 (2) award court costs and reasonable attorney's fees  
2-7 to the person who requested the certification.

2-8 Sec. 411.224. IMMUNITY FROM LIABILITY. A chief law  
2-9 enforcement officer or an employee of a chief law enforcement  
2-10 officer who, in good faith, provides a certification as described  
2-11 by Section 411.222 is immune from civil or criminal liability  
2-12 resulting from the certification.

2-13 SECTION 2. This Act takes effect September 1, 2015.

2-14 \* \* \* \* \*